

No. 24-2811

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**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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MONTANA PUBLIC INTEREST RESEARCH GROUP, *et al.*,  
*Plaintiffs-Appellees*,

v.

CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State, *et al.*,  
*Defendants-Appellants*,

REPUBLICAN NATIONAL COMMITTEE, *et al.*,  
*Intervenor-Defendants-Appellants*.

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On Appeal from the United States District Court  
for the District of Montana  
Case No. 6:23-cv-00070  
Hon. Brian Morris

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**PLAINTIFFS-APPELLEES' MOTION TO TRANSFER  
CONSIDERATION OF ATTORNEYS' FEES ON APPEAL TO THE  
DISTRICT COURT**

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Plaintiffs-Appellees respectfully request, pursuant to Ninth Circuit Rule 39-1.8, that this Court transfer consideration of attorneys' fees on appeal to the United States District Court for the District of Montana, the district court from which this appeal was taken.

Ninth Circuit Rule 39-1.8 provides; "[a]ny party who is or may be eligible for attorneys fees on appeal to this Court may, within the time permitted in Circuit Rule 39-1.6, file a motion to transfer consideration of attorneys fees on appeal to the district court . . . from which the appeal was taken." If no timely petition for rehearing has been filed, Circuit Rule 39-1.6(a) provides that "a request for attorneys' fees shall be filed no later than 14 days after the expiration of the period within which a petition for rehearing may be filed." Following this Court's September 3, 2024, Memorandum Disposition affirming the district court's grant of a preliminary injunction, ECF No. 34.1, Defendants-Appellants did not file a timely petition for rehearing by the September 17, 2024, deadline. Because a timely petition for attorneys' fees is due on or before October 1, 2024, this request for transfer is timely.

Counsel for Plaintiffs-Appellees contacted counsel for Defendants-Appellants regarding this motion, and they do not oppose this request.

If this Court is not inclined to grant this motion, Plaintiffs-Appellees respectfully request that the Court extend their time to file a motion for attorneys' fees and costs incurred on appeal until November 1, 2024.

Accordingly, Plaintiffs-Appellees respectfully request that this Court transfer consideration of attorneys' fees on appeal to the United States District Court for the District of Montana, the district court from which the appeal was taken. If this Court declines to grant the request for transfer, Plaintiffs-Appellees request that the Court extend the time to file a motion for attorneys' fees and costs incurred on appeal until November 1, 2024.

Date: September 25, 2024

Respectfully Submitted,

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